

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

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ORDER

**S.B. CIVIL WRIT PETITION
NO.5487/2003-JAGDISH PRASAD TAK
VS. STATE OF RAJASTHAN & ORS.**

**WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA.**

DATE OF ORDER : 22th November, 2006

**PRESENT
HON'BLE MR. MOHAMMAD RAFIQ, J.**

Mr.L.R. Choudhary, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Government Advocate, for the
respondents.

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BY THE COURT: -

The petitioner has challenged the order dated 12.6.2003
whereby he has been transferred to Khunkhuna (Nagaur) to
Panchu (Bikaner).

This Court vide its order dated 24.9.2003 stayed the

operation and effect of the order Annex.5 dated 12.6.2003
Learned counsel for the parties did not dispute that pursuant to
aforesaid stay order, the petitioner is still continues to work as
School Lecutrer (English Literature) at Government Sr.
Secondary School, Khunkhuna, District Nagur.

Learned counsel for the petitioner cited two judgments
of this Court in Gangaram Bishnoi Vs. State & Ors reported
inWLR 1994 Raj 537 and Narpat Singh Rajpurohit VS. State of
Rajasthan reported in WLR 1991 (S) Raj. 136 in which it was
held by this Court that once an order of transfer has been
executed and implemented it should not be cancelled although
the respondents could pass fresh order of transfer transferring
the employee if it was considered necessary in the exigency of
administration.

In the present case too, it would be appropriate to follow
the same order particularly when the petitioner is still
continuing as School Lecutrer (English Literature) at
Government Sr. Secondary School, Khunkhuna, District Nagur.

Accordingly, the writ petition is allowed. The order dated 12.6.2003 is quashed and set aside. Although at the same time, it is clarified that the respondents would be at liberty to transfer the petitioner afresh if it is considered necessary to do so in the exigencies of administration.

There shall be no order as to costs.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-